

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Terrance J. Feaster,	:	
	:	Case No. 1:22-cv-453
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Affirming Magistrate Judge Order
Annette Chambers-Smith, <i>et al.</i> ,	:	Denying Plaintiff's Motion for a Medical
	:	Examination
Defendants.	:	

Plaintiff Terrance J. Feaster, an inmate housed at the Southern Ohio Correctional Facility ("SOCF"), moved the Court to order a physical examination of him pursuant to Rule 35(a) of the Federal Rules of Civil Procedure. (Doc. 45.) The Magistrate Judge denied Feaster's Motion in an Order dated November 8, 2024, and Feaster filed Objections to the Order. (Docs. 50, 55.) This Court can overturn the Magistrate Judge's Order on this non-dispositive matter only if the decision was clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

Here, the Magistrate Judge's decision was correct. "Rule 35 . . . does not vest the Court with authority to appoint an expert to examine a party seeking an examination of himself." *Minion v. Lindsey*, No. 4:19-CV-P95-JHM, 2021 WL 1204143, at \*2 (W.D. Ky. Mar. 30, 2021); *see also Jones v. Cuddy*, No. 13-cv-2942-MSN-tmp, 2019 WL 1905164, at \*1 (W.D. Tenn. Apr. 29, 2019) (denying prisoner plaintiff's Rule 35 motion for medical examination of himself). Plaintiff cites to Federal Rule of Civil Procedure 26 and Federal Rules of Evidence 401 and 402 in his Objections, but those rules do not compel a different result. Federal Rule of Civil Procedure 26 sets forth general requirements for discovery, but it does not authorize the Court to provide Plaintiff with a medical examination. Federal Rules of Evidence 401 and 402 discuss

the admissibility of relevant evidence, but they are not pertinent to the issue at hand.

For these reasons, the November 8, 2024 Order (Doc. 50) is **AFFIRMED**, and Plaintiff's Objections (Doc. 55) are **OVERRULED**.

**IT IS SO ORDERED.**

BY THE COURT:



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Susan J. Dlott  
United States District Judge